

Remarks

In the Office Action dated October 14, 2004, the Examiner rejected claims 1, 2, 4, 8, 9, 11, 13 and 17 under 35 U.S.C. § 102 as being anticipated by the U.S. Patent to Rohrbacher, et al. 4,959,189. The Examiner rejected claims 3, 5, 6 and 7 under 35 U.S.C. § 103 as being unpatentable over Rohrbacher, et al. (USPN 5,725,712 (Spain, et al.?).). The Examiner rejected claims 10, 12 and 14-16 under 35 U.S.C. § 103 as being unpatentable over Rohrbacher, et al. (USPN 5,725,712 (Spain, et al.?).). The Examiner rejected claim 18 under 35 U.S.C. § 103(a) as being unpatentable over Rohrbacher, et al. (USPN 5,725,712 (Spain, et al.?).).

The present invention is related to a molding method and metal-covered component or part formed thereby as indicated by the title, the technical field, the objects of the invention and the preamble of each of the independent claims of the application. As noted in the first paragraph of the Background Art : “Many parts, such as automotive parts are metal-plated after they are formed. The plating process requires elaborate facilities and consequently necessitates large expenses. For instance, significant square footage of a factory must be dedicated to such an environment for the plating of chrome on components such as those components used in the automotive industries, such as bumpers, bumper guards, side moldings and the like.”

As noted in the last paragraph of the Background Art: “The prior art fails to provide a method of manufacturing a metal-covered component wherein the step of plating the component after molding is eliminated and further where the component has structural integrity both in terms of durability and strength to support varying applications including vehicle exterior applications.”

As noted in page 11, lines 21-22 with the present invention “one can mold in the decorative metal layer at the press or mold by avoiding a secondary plating operation.”

The invention as claimed in each of the independent claims 1, 8, 9 and 17 requires a film sheet having a decorative layer of metal. A color layer comprising metallic pigments or flakes does not constitute a decorative layer of metal as only provided by the present invention.

Furthermore, each of the independent claims requires the injection of a thermoplastic elastomer into a mold cavity of an injection mold. The Rohrbacher '189 patent fails to disclose the injection of a thermoplastic elastomer into a mold cavity.

In summary, the Rohrbacher '189 patent is not concerned with the problem facing the inventors of the present application. Rohrbacher fails to provide a film sheet having a decorative layer of metal and also fails to disclose the injection of a thermoplastic elastomer into a mold cavity wherein a metal-covered molded component is formed.

Consequently, the Examiner has failed to present a prima facie case of anticipation.

Furthermore, none of the references of record taken either alone or in combination with one another disclose either the problem or the solution as only provided by the claimed invention.

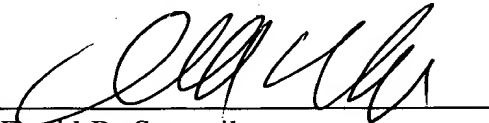
Finally, for the Examiner's information, USPN 6,818,305, which covers the corresponding metal-covered molded component, recently issued wherein the Examiner therein stated that the claimed invention was patentable in view of the art of record.

Consequently, in view of the above and in the absence of better art Applicants' Attorney respectfully submits that the application is in condition for allowance which allowance is respectfully requested.

Respectfully submitted,

Jason T. Murar, et al.

By



David R. Syrowik

Reg. No. 27,956

Attorney/Agent for Applicant

Date: December 8, 2004

BROOKS KUSHMAN P.C.
1000 Town Center, 22nd Floor
Southfield, MI 48075-1238
Phone: 248-358-4400
Fax: 248-358-3351